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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,520	05/31/2000	Claude M. Leglise	INTL-0391-US (P8805)	1973
7590	07/13/2006		EXAMINER RETTA, YEHDEGA	
Timothy N Trop Trop Pruner & Hu PC Suite 100 8554 Katy Freeway Houston, TX 77024			ART UNIT 3622	PAPER NUMBER
DATE MAILED: 07/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/584,520

Applicant(s)

LEGLISE ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This office action is in response to the request for continued examination filed April 25, 2006.

Applicant amended claims 39, 40, 41-48, 50-52, 54-60 and 62. Claims 39-62 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-45, 47-57, 59-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd Judd Erickson "Get Subscribers Get Them Online And Start Making More Money" hereinafter Erickson and further in view of Ziplink's Virtual Internet Service Provider (ISP) Program Provides complete Turnkey Outsourcing Option PR Newswire; New York; Nov 4, 1999 (hereinafter ZipLink).

Regarding claims 39-41, 51-53, 62 and 65 Erickson teaches providing information of a user to service provider; receiving a first graphical interface from the service provider said user required to view the first graphical interface before being enabled to access the Internet (providing CD the connects new subscribers to its network, add multiple users to a single household account; add a desktop interface for the user similar to AOL) (see page 76 col. 1); Erickson teaches the Netkit CD-ROM detes the new subscriber online, sets up an account and arranges the account preferences and settings, once the user has finished all the sign-up wizards, Netkit posts the data to a sever that sets up the account, including billing (see page 78 col. 1).

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Erickson further teaches AOL uses its desktop application to control what the user sees and when- to a certain extent. AOL users can fire up the AOL interface and go directly to one of AOL's "channels" for specific content such as sports or weather or shopping. Erickson further teaches any ISP can have a branded desktop, with its own channels and content partners and using the ISP-branded interface a user has access to the Web, e-mail and direct access to the ISP's content partners. Erickson further teaches the Netsurfer prevents the user from getting to e-mail or the Internet without using the desktop i.e. viewing the first graphical interface before being enabled to access the Internet (user selectable option to access the Internet or any channels provided by the ISP or email or direct access to the ISP's content); setting up processor-based computer (user computer) to receive services from the Internet provider (see page 78 col. 2 &3) and after selecting one of the selectable options providing a second interface i.e. the browser to access web sets or e-mail etc..

Erickson failed to teach the ISP providing the service on behave of a retail vendor.

Ziplink teaches providing private-branded Internet connectivity, **which enables e-businesses, affinity groups and web-centric organizations**, etc. to become Virtual ISPs, which implies that customers obtaining Internet service through the vendor see a graphical interface from the vendor not from Ziplink. Ziplink teaches "(w)ith the rollout of the Ziplink's Virtual ISP Program, the Company (vendors) now offers a full suite of customer care management services" including; custom sign-up, activation and authentication; customer support; billing and collection, branded CD, e-mail and news service, etc. Ziplink teaches coupled with Ziplink's national dial-up and Digital Subscriber Line (DSL) Internet connectivity, these new value-added services comprise a complete ISP outsourcing option. Ziplink teaches by using the system customers (vendors) avoid

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the tremendous investment of building and maintaining a national network and the cost of staffing a customer care operation center (see page 1). It would have been obvious to one of ordinary skill in the art at the time of the invention for any ISP using the Netsurfer's system to provide the service on behalf of other companies as taught in Ziplink. Since the companies would be able to provide the service, and customers would see the site every time they log on, which provide more opportunities for customers to purchase products or services the company offers, without the companies investing on a network, equipment or customer support customer. Netsurfer teaches the second user interface to include customized content that is based on the user information provided to the service provider; receiving preference of one or more user's of said processor-based system (page 80 see col. 1 & 2).

Regarding claims 42 and 54, Erickson teaches the interface to enable identification of a user that is actively logging on the system (see page 80).

Regarding claims 43 and 55, Erickson teaches receiving a third graphical interface that includes selectable options not related to the particular vendor. This feature is inherent to the user accessing the Internet, which provides information on any vendor or company that provides web site on the Internet.

Claims 44 and 56 are rejected as stated above in claim 39 or 51, since the claim recites the same limitation i.e., the user sees the ISP's site or the vendor which is providing the service, first before selecting one of the options to access the Internet or e-mail or partners site.

Regarding claims 45 and 57, Erickson teaches allowing the service provider to control the system (see page 78, AOL or using Netsurfer the ISP controlling the desktop).

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Regarding claims 47, 48, 59 and 60, Erickson teaches any user of the processor-based system to see the same first graphical user interface and said first interface received immediately after booting the system (see page 78).

Regarding claims 49 and 61, Erickson teaches receiving instructions from a remote system to control the addition of software and hardware (see page 80 col. 1).

Regarding claim 50, directing user to a server associated with the retail store is inherent feature of the user seeing the vendor site first and accessing the site.

Regarding claim 63, Ziplink does not teach a system including a unitary housing to house processor, display and a telephone. However official notice is taken that is old and well known to make separate parts as an integral of one piece. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the telephone as integral part of the computer terminal in order to make the terminal easy to transport.

Regarding claim 64, official notice is taken that is old and well known in the art of computers that a dedicated port is a readily available component of today's computer terminals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to know that Ziplink would provide service through a dedicated port.

Claims 46 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd Judd Erickson "Get Subscribers Get Them Online And Start Making More Money" hereinafter Erickson and further in view of Ziplink's Virtual Internet Service Provider (ISP) Program Provides complete Turnkey Outsourcing Option PR Newswire; New York; Nov 4, 1999 (hereinafter ZipLink) further in view of Tobin (US 6,141,666).

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Regarding claim 46 and 58 Erickson does not teach providing advertising to user that is logged in based on preference of another user who is identified user of the system. Tobin teaches receiving reminder about others birthdays and receiving marketing information (col. 8 lines 41-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide advertisement based on other family member's birthdays or preference for the intended use of providing a reminder and suggesting gifts to the user as taught in Tobin.

Response to Arguments

Applicant's arguments with respect to claims 39-65 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


RETTA YEHDEGA
PRIMARY EXAMINER

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